



3810-FF

DEPARTMENT OF DEFENSE (DoD)

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy (DoN), DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS CINCINNATI (LCS 20) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and is applicable beginning October 19, 2018.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kyle Fralick, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE, Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS CINCINNATI (LCS 20) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2 (a)(i), pertaining to the height of the forward masthead light above the hull; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead light; Rule 21(a) and Annex I, paragraph 2(f)(i), requiring the masthead lights be above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii) and Annex I, paragraph 3(c), pertaining to the horizontal

and vertical spacing of task lights; and Rule 27 (b)(i) and Annex I, paragraph 9(b), pertaining to the visibility of task lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water).

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706--CERTIFICATIONS AND EXEMPTIONS UNDER THE  
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA,

1972

1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Section 706.2 is amended by:

a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

b. In Table Four, under Paragraph 15, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

c. In Table Four, under Paragraph 16, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

d. In Table Four, under Paragraph 27, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20); and

e. In Table Five, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20).

§706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

\* \* \* \* \*

Table One

Vessel	Number	Distance in meters of forward masthead light below minimum required height. §2(a)(i) Annex I
* * * * * USS CINCINNATI * * * * *	(LCS 20)	4.2

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Table Four

\* \* \* \* \*

15. \* \* \*

Vessel	Number	Horizontal distances from the fore and aft centerline of the vessel in the athwartship direction
***** USS CINCINNATI *****	LCS 20	Upper-0.20 meters Middle-1.3 meters Lower-1.3 meters

16. \* \* \*

Vessel	Number	Obstruction angle relative ship's headings
***** USS CINCINNATI *****	LCS 20	72° thru 74° 286° thru 288°

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27. On the following ships, the arc of visibility of the middle task light (restricted maneuverability), required by the rule 27(b)(i) and Annex I, paragraph 9(b)(i), may be

obstructed at the following angles relative to ship's heading;

Vessel	Number	Obstruction angle relative ship heading
USS CINCINNATI	LCS 20	47° thru 59° 301° thru 313°

\* \* \* \* \*

Table Five

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After mast- head light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
***** USS CINCINNATI *****	(LCS 20)	--	X	X	15.2

APPROVED: October 19, 2018

A. S. JANIN  
Captain, JAGC, U.S. Navy  
Deputy Assistant Judge Advocate  
General (Admiralty and Maritime Law)

Dated October 19, 2018.

MEREDITH STEINGOLD WERNER  
Lieutenant Commander,  
Judge Advocate General's Corps,  
U.S. Navy,  
Federal Register Liaison Officer.  
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